

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
AT SACRAMENTO

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DYLAN CORRAL,  
  
Defendant.

CASE NO. CR22-0048-JCC  
  
ORDER

This matter comes before the Court on the parties' stipulation and proposed order (Dkt. No. 11). For the reasons described below, the Court GRANTS in part and DENIES in part the parties' request.

Defendant was charged by Indictment with two counts of mailing threatening communications, (Dkt. No. 1), and was recently arraigned on these charges, (Dkt. No. 9). At the arraignment, the Court set a trial commencement date of August 15, 2022. (*Id.*)

In their stipulation, the parties first ask the Court to convert the August 15, 2022 trial date to a status conference date and exclude the time between their stipulation and the status conference for purposes of the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* (*Id.*) The Court declines this request. To the extent the parties seek to exclude time in this case pursuant to the Speedy Trial Act, they should provide the Court, through a motion to continue, with facts supporting a continuance pursuant to 18 U.S.C. § 3161(h)(7).

1 The parties next ask the Court to continue the trial commencement date to September 19,  
2 2022. In support they cite defense counsel's need for "additional time to review discovery,  
3 consult with [Defendant], conduct investigation and research related to the charges, and to  
4 otherwise prepare for trial." (Dkt. No. 11 at 2.) They further indicate that defense counsel  
5 "believes that failure to grant [a continuance to September 19, 2022] would deny [counsel] the  
6 reasonable time necessary for effective preparation, taking into account the exercise of due  
7 diligence." (*Id.*) Based on these representations, the Court FINDS the following:

8 1. Taking into account the exercise of due diligence, a continuance is necessary to allow the  
9 defense the reasonable time for effective preparation, to review discovery, and to conduct  
10 additional investigation. 18 U.S.C. § 3161(h)(7)(B)(iv).

11 2. Proceeding to trial absent adequate time for the defense to prepare, taking into account  
12 the exercise of due diligence, would result in a miscarriage of justice. 18 U.S.C.  
13 § 3161(h)(7)(B)(i).

14 3. The ends of justice served by granting this continuance outweigh the best interests of the  
15 public and Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

16 It is therefore ORDERED that trial shall be continued from August 15, 2022 to  
17 September 19, 2022. It is further ORDERED that the time between the date of this order and the  
18 new trial date is excludable time under the Speedy Trial Act pursuant to Title 18, United States  
19 Code, section 3161(h)(7)(A). Any pre-trial motions shall be filed no later than August 19, 2022.

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21 DATED this 23rd day of June 2022.

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25 John C. Coughenour  
26 UNITED STATES DISTRICT JUDGE